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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,121	09/21/2000	Andrew Augustine Wajs	82032-0003	7786

7590

12/01/2003

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025

EXAMINER

HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

3

Office Action Summary

Application No.

09/600,121

Applicant(s)

WAJS, ANDREW AUGUSTINE

Examiner

Brandon Hoffman

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because they fail to include a legend for the block elements. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

The disclosure is objected to because of the following informalities:

- On page 2, line 9, "accept" should be ~~except~~.
- On page 4, line 7, receivers do not "listen" to a digital signal. A sync signal is supplied to the receiver to trigger that data is coming.
- On page 5, line 7, reference number 5 should not be there.

Art Unit: 2171

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

With regards to this application, section headings are missing.

Appropriate correction is required.

Claim Rejections - 35 USC § 112 – 2nd Paragraph

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wool (U.S. Patent No. 6,073,122) in view of Morales (U.S. Patent No. 5,392,353).

Regarding claim 1, Wool teaches a method for transferring data from a head-end to a number of receivers by means of a digital broadcast signal (fig. 1), each of said receivers including a descrambler for descrambling a received digital transport stream (fig. 4, ref. num 900),

- Said method including sending a message from the head-end to each receiver to which data needs to be transferred (col. 3, lines 47-53),
- Said message including a key unique to the respective receiver (col. 3, line 66 through col. 4, line 2),
- Inserting said data packets into transport packets of a digital transport stream (the Examiner believes it to be inherent that the data packets are inserted into transport packets, see col. 4, lines 9-13),
- Broadcasting the digital transport stream (fig. 1, ref. num 110),
- Receiving the digital transport stream at one or more receivers (fig. 1, ref. num 400 or 401), and
- Descrambling the scrambled transport packets of the digital transport stream only at the receiver having the unique key used to scramble the scrambled transport packets (col. 4, lines 30-35).

Wool does not teach:

- Loading the unique key in the descrambler of the respective receiver,
- Providing data packets with an individual address of at least one of said receivers,
- Providing a table of unique keys with corresponding addresses of the respective receivers at the head-end,
- Selecting a key from said table in accordance with the address of the data packets, and

- Scrambling said transport packets using the selected key.

Morales teaches:

- Loading the unique key in the descrambler of the respective receiver (col. 4, lines 31-36),
- Providing data packets with an individual address of at least one of said receivers (the Examiner believes it to be inherent that the data packets contain an individual address of at least one receiver, see col. 3, lines 56-62),
- Providing a table of unique keys with corresponding addresses of the respective receivers at the head-end (fig 3, ref numbers 22 and 23 and col. 4, lines 51-57), and
- Scrambling said transport packets using the selected key (col. 4, lines 53-54).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine loading the unique key in the descrambler of the receiver, providing data packets with an individual address of at least one of said receivers, providing a table of unique keys at the head-end, and scrambling the transport packets using the selected key, as taught by Morales, to the method of Wool.

It would have been obvious to combine loading the unique key in the descrambler of the receiver, providing data packets with an individual address of at least one of said receivers, providing a table of unique keys at the head-end, and scrambling the transport packets using the selected key, as taught by Morales, to the method of Wool.

because the claimed features, as taught by Morales, would a) enable the receiver to have the proper descrambling key, b) properly route with data packets to the appropriate receiver, c) provide a look-up method for the head-end server to easily find a receiver and its corresponding unique key, and d) secure the data from transmission.

The combination of Wool/Morales now teaches selecting a key from said table in accordance with the address of the data packets (see col. 4, lines 53-55 of Morales, retransmitting the newly encrypted signal based on a function of the SPIK, which is the key for the receiving device).

Regarding claim 2, the combination of Wool/Morales teaches wherein for transferring data packets to two or more receivers, the data packets for different receivers are inserted into different transport packets (see fig. 1 of Wool, it is inherent from the figure, in a distribution network, that one receiver receives the data packets in a different transport packet than another receiver), each of said transport packets being scrambled with a unique key corresponding with the individual address of the corresponding data packets (see col. 4, lines 53-54 of Morales).

Regarding claim 3, the combination of Wool/Morales teaches wherein each receiver is adapted to request the transfer of specific data from the head-end (see fig. 1, ref. num 400 and 401, and col. 4, lines 9-13 of Wool).

Regarding claim 4, the combination of Wool/Morales teaches:

- Wherein the head-end and the receivers are connected to a network (see col. 3, lines 58-65 of Wool),
- Wherein one or more receivers request the transfer of data from the network (see fig. 1, ref. num 400 and 401 of Wool),
- Wherein the requested data together with the address of the requesting receiver(s) is provided to the head-end in the form of data packets (see col. 4, lines 51-55 of Morales, in the combined method of Wool/Morales, the control center compares the address and keys for the destination device) and
- The head-end transfers the data packets to said one or more receivers inserted in transport packets of the digital broadcast stream (the Examiner believes it to be inherent that the data packets are inserted into transport packets, see col. 4, lines 9-13 of Wool).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Wool (U.S. Patent No. 6,073,122) and Morales (U.S. Patent No. 5,392,353), and further in view of Wood, D.: The DVB Project: Philosophy and Core System (hereinafter referred to as Wood).

Regarding claim 5, the combination of Wool/Morales teaches all the limitations of claim 1. However, the combination of Wool/Morales does not teach wherein the digital transport stream is a DVB transport stream.

Wood suggests the use of a DVB transport stream as the digital transport stream (page 109, right column, under THE DVB CORE SYSTEM).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a DVB transport stream, as taught by Wood, in the method of Wool/Morales. It would have been obvious to one of ordinary skill in the art to use a DVB transport stream, as taught by Wood, in the method of Wool/Morales because the DVB standard is a common way to transport audio, video, and other multimedia data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Hoffman whose telephone number is 703-305-4662. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Brandon Hoffman

BH
11/25/03


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100